

DAC
PFW

Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 14846 (VTN-551)
First Named Inventor: Olin Calvin, et al.	Art Unit: 1722	
Application Number: 09/923,562	Examiner: Donald H. Heckenberg	
Filed: August 9, 2001		
Title: APPARATUS AND METHOD FOR HANDLING LENS CARRIERS		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none">(1) Petition fee.(2) Reply and/or issue fee.(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and(4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status.. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of		
_____ Amendment and Response (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____.		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ _____		
<input type="checkbox"/> has been paid previously on _____.		
<input type="checkbox"/> is enclosed herewith.		

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a) The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/21/2004 WABDELRI 00000039 09923562
01 FC:1452
110.00 00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

14846 (VTN-551)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.**

September 17, 2004

Date

Signature

(516) 742-4343

Telephone Number

Dermott J. Cooke

Typed or printed name

41,685

Registration Number, if applicable

Scully, Scott, Murphy & Presser

Address

400 Garden City Plaza, Garden City, NY 11530

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unavoidable delay☒ Amendment and Response**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

September 17, 2004

Date

Signature

Dermott J. Cooke

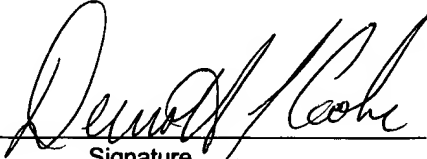
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

September 17, 2004

Date


Signature

41,685

Registration Number, if applicable

Dermott J. Cooke

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

SEE ATTACHED.

(Please attach additional sheets if additional space is needed.)



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Olin Calvin, et al.

Examiner: Donald H. Heckenberg

Serial No: 09/923,562

Art Unit: 1722

Filed: August 9, 2001

Docket: 14846 (VTN-551)

For: APPARATUS AND METHOD FOR
HANDLING LENS CARRIERS

Dated: September 17, 2004

Confirmation No. 2560

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF UNAVOIDABLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(a)**

Sir:

In response to the non-final Office Action mailed December 15, 2003,
Applicants' submit this Petition for Revival of Unavoidably Abandoned Application
Under 37 C.F.R. 1.137(a). Neither Applicants nor their represented received the
December 15, 2003 Office Action until July 14, 2004, well after the statutory time for
response to the Office Action, including all available extensions of time, had expired.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States
Postal Service as first class mail in an envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on September 17, 2004.

Dated: September 17, 2004


Dermott J. Cooke

The appropriate fee and an Amendment in reply to the Office Action accompany this Petition. Accordingly, Applicants respectfully request revival of the above-identified application, and entry of the Amendment attached hereto, as failure to timely reply to the Office Action was unavoidable due to Applicants' untimely receipt of the Office Action through no fault of the Applicants or their representative as set forth in more detail in the following Remarks.

REMARKS

This application was filed on August 9, 2001, and was accorded U.S. Patent Application Serial No. 09/923,562. A Restriction Requirement was imposed in an Office Action dated September 2, 2003 for this Application. In response to the Restriction Requirement, Applicants filed a Response to Restriction Requirement dated October 2, 2003 provisionally electing Group III, i.e., claims 7-19. Thereafter, no further written or oral communication occurred between the U.S. Patent Office and the Applicants or Applicants' representative until after June 15, 2004, at which time the U.S.P.T.O Examiner responsible for this application contacted Applicants' representative to inquire whether Applicants' intended to file a response to an Office Action purportedly mailed December 15, 2003. Neither Applicants nor Applicants' representative had knowledge or receipt of the December 15, 2003 Office Action. The statutory time to respond to the December 15, 2003 Office Action, including allowable extensions of time to respond, expired on June 15, 2003. The Application went abandoned as a result. Applicants' representative requested a copy of the December 15, 2003 Office Action and on July 14, 2004 a copy of the December 15, 2003 Office Action was faxed to Applicants' representative.

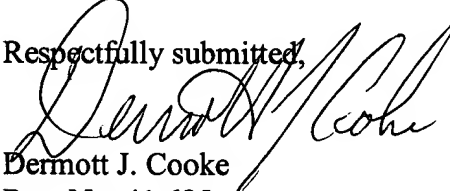
An Amendment in reply to the December 15, 2003 Office Action has been prepared for entry into the record of this application upon revival thereof pursuant to this Petition. Pursuant to 37 C.F.R. §1.137(a), a copy of the Amendment is enclosed herewith. The fee for this petition, pursuant to 37 C.F.R. §1.17(l), is also enclosed.

Applicant's representative hereby states that, after reasonable inquiry under the circumstances, the entire delay in filing the required reply to the outstanding Office Action, from

the due date of the reply until the filing of this petition, was unavoidable due to the untimely receipt of the December 15, 2003 Office Action.

Because the instant utility application was filed after June 8, 1995, no terminal disclaimer is required.

In view of the foregoing, Applicants' respectfully requests that this petition be granted, and the Amendment submitted herewith be entered. Applicants' further kindly requests an early indication of the same.

Respectfully submitted,

Dermott J. Cooke
Reg. No. 41,685

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
Telephone: (516) 742-4343
FSD/DJC/AVS:ej